

Document No. 1334
Adopted at Meeting of 4/ 10/69

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Hale Champion, Director
SUBJECT: BOARD OF APPEAL REFERRALS

April 3, 1969

1334
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Re: Petition No. Z-1415
Mildred E. Brown, Trustee
678-680 Parker Street, Roxbury

Petitioner seeks a Forbidden Use permit to change occupancy from four stores to three stores and manufacturing in a Local Business (L-1) district. The proposal would violate the code as follows:

Sect. 8-7 Manufacturing of sheet metal products and food
service equipment is a Forbidden Use within
an L-1 district.

The property, located on Parker Street near the intersection of Parker and Tremont Streets, contains four vacant retail stores. The petitioner proposes to utilize a former grocery store for the manufacturing of sheet metal products and food service equipment. These stores are located directly opposite the Mission Hill Housing Project. The proposed manufacturing use would be incompatible with the residential and local business character of the area. Recommend denial.

VOTED: That in connection with Petition No. Z-1415, brought by Mildred E. Brown, Trustee, 678-680 Parker Street, Roxbury, for a Forbidden Use Permit to change occupancy from four stores to three stores and manufacturing in a Local Business (L-1) district, the Boston Redevelopment Authority recommends denial. The property is located directly opposite the Mission Hill Housing Project. The proposed manufacturing use would be incompatible with the residential and local business character of the area.



Z-1415
678-680 PARKER ST.
(ROX.)

Re: Petition No. Z-1417
Caren Realty Trust
845 Beacon Street, Boston

Petitioner seeks a change in a non-conforming use to change occupancy from seven apartments and one office to seven apartments and a restaurant in an apartment (H-2) district. The proposal would violate the code as follows:

Sect. 9-2 A change in a non-conforming use requires a Board of Appeal hearing.

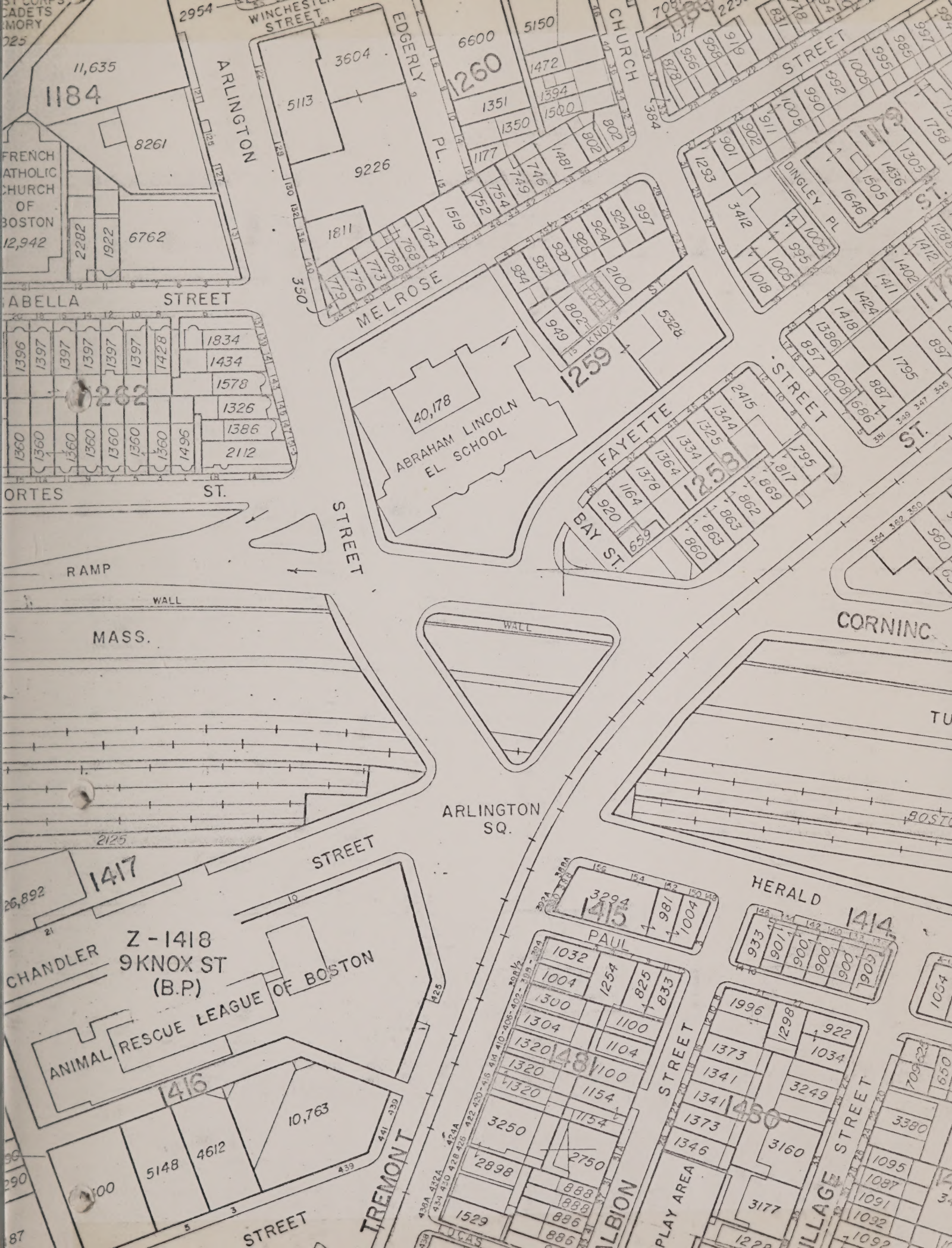
The property, located on Beacon Street at the intersection of Beacon and Miner Streets, contains a four story brick structure. The petitioner proposes to convert the existing first floor office to a restaurant. The existing seven apartments would remain unchanged. The staff has no objection to the use, however, it is recommended that the building facade remain unchanged and the erection of any sign comply with the size, placement, and lighting requirements of Section 11-1 of the zoning code. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1417, brought by Caren Realty Trust, 845 Beacon Street, Boston, for a change in a non-conforming use to change occupancy from seven apartments and one office to seven apartments and a restaurant in an Apartment (H-2) district, the Boston Redevelopment Authority has no objection to the proposed use provided that the building facade remains unchanged and that the erection of any sign comply with the size, placement, and lighting requirements of Section 11-1 of the zoning code.

Re: Petition No. Z-1418
Herbert M. Staples et al
9 Knox Street, Boston

Petitioner seeks an amendment to the provisions of a former decision of the Board of Appeal for the operation of a restaurant in an Apartment (H-2) district. The property, located on Knox Street near the intersection of Knox and Church Streets in the South Cove Urban Renewal Area, contains a three story and basement brick structure presently occupied by two families and a basement restaurant. The petitioner legalized the existing occupancy last September and the Board of Appeal then stipulated that the restaurant be operated either directly or under the immediate supervision of the petitioner, that the operation be limited from June to September, from Tuesday through Saturday in the evening hours only, that the capacity be limited to 40 persons and served by reservation only and that there be no signs or other identification to indicate a restaurant on the premises. The petitioner now wishes to sell the property and the prospective purchaser proposes to operate the restaurant 12 months of the year. The staff has no objection to the change in ownership or yearly operation of the restaurant. It does, however, recommend that all other provisions of the previous Board of Appeal decision be complied with. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1418, brought by Herbert M. Staples et al, 9 Knox Street, Boston, to amend a former decision of the Board of Appeal for the operation of a restaurant in an Apartment (H-2) district, the Boston Redevelopment Authority has no objection to the change in ownership or the proposed yearly operation of the restaurant provided that all other conditions stipulated by the Board of Appeal in its former decision remain in effect.



Re: Petition No. Z-1419
Filippo & Antonia Mansueto
164 Bigelow Street, Brighton

Petitioner seeks an extension of a non-conforming use permit and a variance to erect a two story side addition and legalize occupancy for a two family dwelling in a Single Family (S-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1 An extension of a non-conforming use requires a Board of Appeal hearing.		
Sect. 19-1 Side yard is insufficient	12 ft.	8.5 ft.

The property, located on Bigelow Street near the intersection of Bigelow and Dunboy Streets, contains a two story frame dwelling. The petitioner proposes to utilize the two story extension at the right side of the structure for bedroom units. The side yard violation is existing and minimal. The two family occupancy has apparently existed for several years. The proposal is compatible with the existing character of the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-1419, brought by Filippo and Antonia Mansueto, 164 Bigelow Street, Brighton, for an extension of a non-conforming use permit and a variance of insufficient side yard to erect a two story side addition and legalize occupancy for a two family dwelling in a Single Family (S-.5) district, the Boston Redevelopment Authority recommends approval. The side yard violation is existing and minimal. The two family occupancy has apparently existed for several years. The proposal is compatible with the existing character of the neighborhood.

FOUNDATION

FOUNDATION

Z-1419
164 BIGELOW ST.
(BRI)

WALL

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TURNPIKE

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NEWTON

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BIGELOW

BIGELOW CIR.

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Re: Petition No. Z-1420
New England Tel & Tel Co.
50 Harvard Avenue, Hyde Park

Petitioner seeks a Conditional Use Permit and two variances to erect a one story and basement addition to an existing automatic telephone exchange in a Residential (R-.5) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 An automatic telephone exchange is a Conditional Use in an R-.5 district		
Sect. 15-1 Floor Area Ratio is excessive	0.5	0.9
Sect. 20-1 Rear yard is insufficient	40 ft.	28 ft.

The property, located on Harvard Avenue at the intersection of Harvard Avenue and Everett Street, contains a one story brick structure. The proposed extension would encroach upon existing employee off-street parking facilities and would necessitate on-street parking at this congested intersection. There is no objection to the use, however, the staff recommends that the petitioner provide sufficient off-street parking facilities on or near the property to replace the spaces to be eliminated by the building expansion. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1420, brought by New England Tel & Tel Company, 50 Harvard Avenue, Hyde Park, for a Conditional Use Permit and variances of excessive floor Area Ratio and insufficient rear yard to erect a one story and basement addition to an existing automatic telephone exchange in a Residential (R-.5) district, the Boston Redevelopment Authority has no objection to the use proposed if the petitioner provides sufficient off-street parking facilities on or near the property to replace the spaces to be eliminated by the building expansion. This residential area is congested and cannot support additional on-street parking.



PARK

HARVARD

WEBSTER

STREET

CLAY

STREET

WEBSTER

CENTRAL

HYDE

WILLIAM BARTON
ROGERS
JR. HIGH SCHOOL

STREET

EVERETT

AVENUE

ROBERT
WHITE
HEALTH
UNIT

AVENUE

BOSTON
PUBLIC
LIBRARY
HYDE
PARK
BRANCH

ST.

Z-1420
50 HARVARD AVE.
(H.P.)

PARKING

WINTHROP

FIRE
STA.

CENTRAL

Re: Petition No. Z-1421
 Dr. Charles F. Lowney
 684 Hyde Park Ave., Hyde Park

Petitioner seeks three Forbidden Use Permits and ten variances to erect a three story and basement residential (7 units), professional (3 doctors' offices) and commercial (1 drug store) structure in a Residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A multifamily dwelling is Forbidden in an R-.5 district.		
Sect. 8-7	A retail store is Forbidden in an R-.5 district.		
Sect. 8-7	Doctors' offices are Forbidden in an R-.5 district.		
Sect. 10-1	Parking not allowed in front yard nor within 5 feet of side lot line		
Sect. 14-1	Lot area is insufficient	2 acres	11,100 sf
Sect. 14-3	Lot width is insufficient	200 ft.	117 ft.
Sect. 15-1	Floor area ratio is excessive	.5	.8
Sect. 16-1	Height of building is excessive	2 stories	3 stories
Sect. 17-1	Open space is insufficient	1000 sf/du	190 sf/du
Sect. 18-1	Front yard is insufficient (Hyde Park Ave.)	25 ft.	12 ft.
Sect. 19-6	Front yard is insufficient (Ramsdell Ave.)	25 ft.	0
Sect. 20-1	Rear yard is insufficient	40 ft.	34 ft.
Sect. 23-1	Off-street parking is insufficient	21 spaces	16 spaces

The property, located on Hyde Park Avenue at the intersection of Hyde Park Avenue and Ramsdell Avenue, contains approximately 11,100 square feet of vacant land. The lot area deficiency, excessive floor area ratio, and lack of sufficient open space represent severe over-development of the land. The proposal is incongruous with the existing neighborhood and would have an injurious effect on the surrounding residential properties. Recommend denial.

VOTED: That in connection with Petition No. Z-1421, brought by Dr. Charles F. Lowney, 684 Hyde Park Avenue, Hyde Park, for three Forbidden Use Permits and variances of parking not allowed in front yard nor within five feet of side lot line, excessive floor area ratio and building height, insufficient lot area, lot width, open space, front yard, rear yard, and off-street parking to erect a three story and basement residential, professional, and commercial structure in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The numerous violations represent over-development of the land in this low density residential neighborhood. The proposed development is incongruous with the existing neighborhood and would have an injurious effect on the surrounding residential properties.

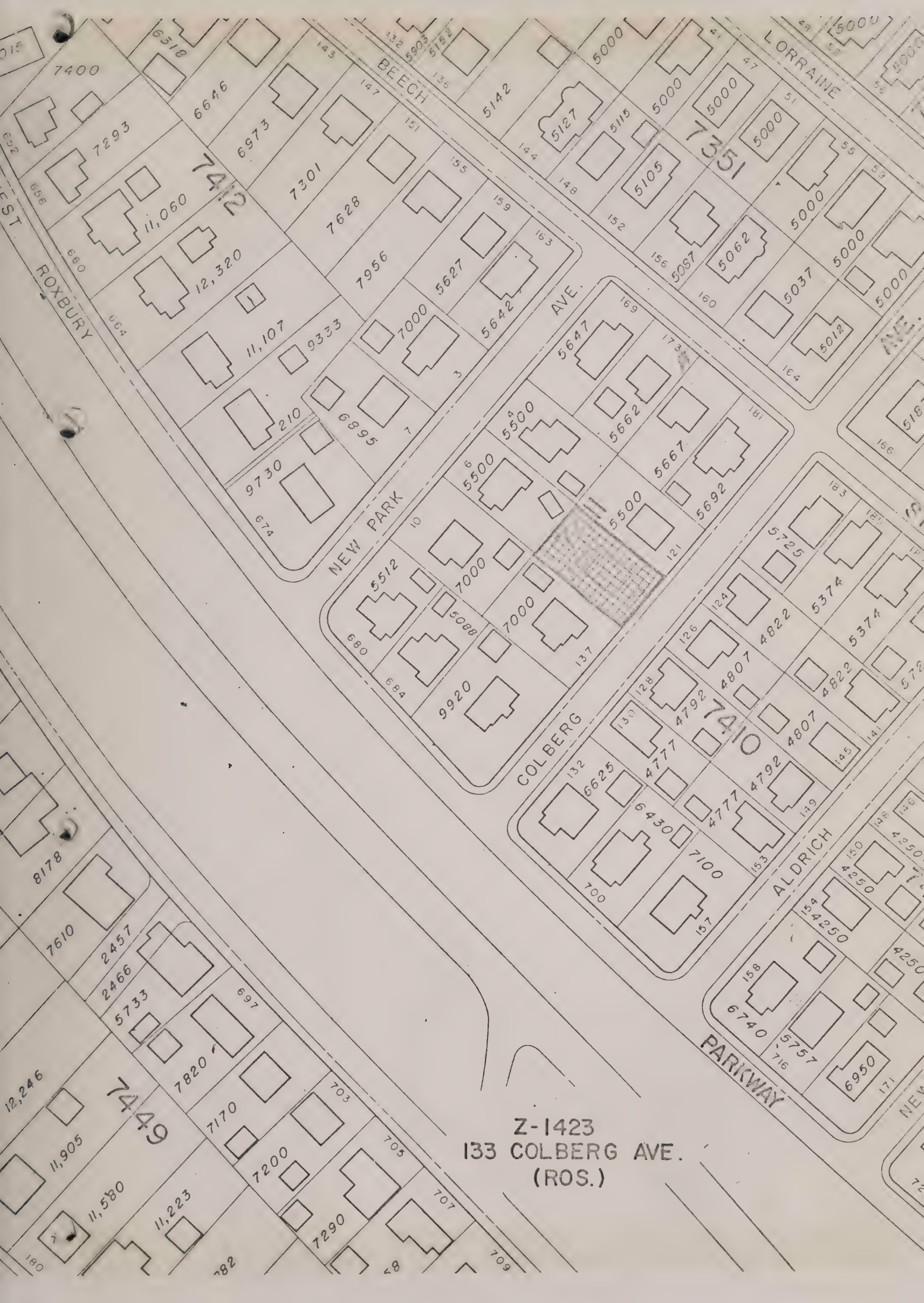
Re: Petition No. Z-1423
Ethel J. Duffet
133 Colberg Avenue, Roslindale

Petitioner seeks a variance to erect a two story addition to the rear of a one family dwelling in a Single Family (S-.5) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Prop.</u>
Sect. 20-1. Rear yard is insufficient	40 ft.	26 ft.

The property, located on Colberg Avenue near the intersection of Colberg Avenue and West Roxbury Parkway, contains a two story brick structure. The petitioner proposes to utilize the extension for family rooms. The proposal would not have an injurious effect on abutting residences. Recommend approval.

VOTED: That in connection with Petition No. Z-1423, brought by Ethel J. Duffet, 133 Colberg Avenue, Roslindale, for a variance of insufficient rear yard to erect a two story addition to a one family dwelling in a Single Family (S-.5) District, the Boston Redevelopment Authority recommends approval. The proposed rear addition will not have an injurious effect on abutting residences.



Z-1423
133 COLBERG AVE.
(ROS.)

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12,527
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7415
7261
HOUSE
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WALL
CLIFFMONT
Z-1421
684 HYDE PARK AVE
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Re: Petition No. Z-1422
James R. & Margaret M. Gill
8-10 Harmony Street, East Boston

Petitioner seeks three variances to legalize occupancy for a one family dwelling, office, and garage in a Local Business (L-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-1	Lot area is insufficient	5000 sf	1500 sf
Sect. 14-2	Lot area for additional unit is insufficient	1500 sf/du	0
Sect. 17-1	Usable open space is insufficient	800 sf/du	0

The property, located on Harmony Street at the intersection of Harmony and Bennington Streets, contains a two story brick structure. The office and garage are used in connection with the petitioner's oil delivery business. The residential-commercial occupancy has existed for many years and is compatible with existing surrounding uses. Recommend approval.

VOTED: That in connection with Petition No. Z-1422, brought by James R. & Margaret M. Gill, 8-10 Harmony Street, East Boston, for variances of insufficient lot area, lot area for additional unit and open space to legalize occupancy for a one family dwelling, office and garage in a Local Business (L-.5) district, the Boston Redevelopment Authority recommends approval. The residential-commercial occupancy has existed for many years and is compatible with existing surrounding uses.



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CEMETERY
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STREET

HARMONY

ST.

HORACE

ST.

100,000

STREET

AUBURN

METROPOLITAN 60,750

HOMER

TRANSIT

STREET

AMITY

60,750

Z-1422
8 HARMONY ST
(E.B.)

TOTAL
65,526,669

COURT

AREA

COWPER

ST.

STREET

90,000

PARKING

Re: Petition No. Z-1424
Benjamin Ginsberg
37-45 Dorchester Street, South Boston

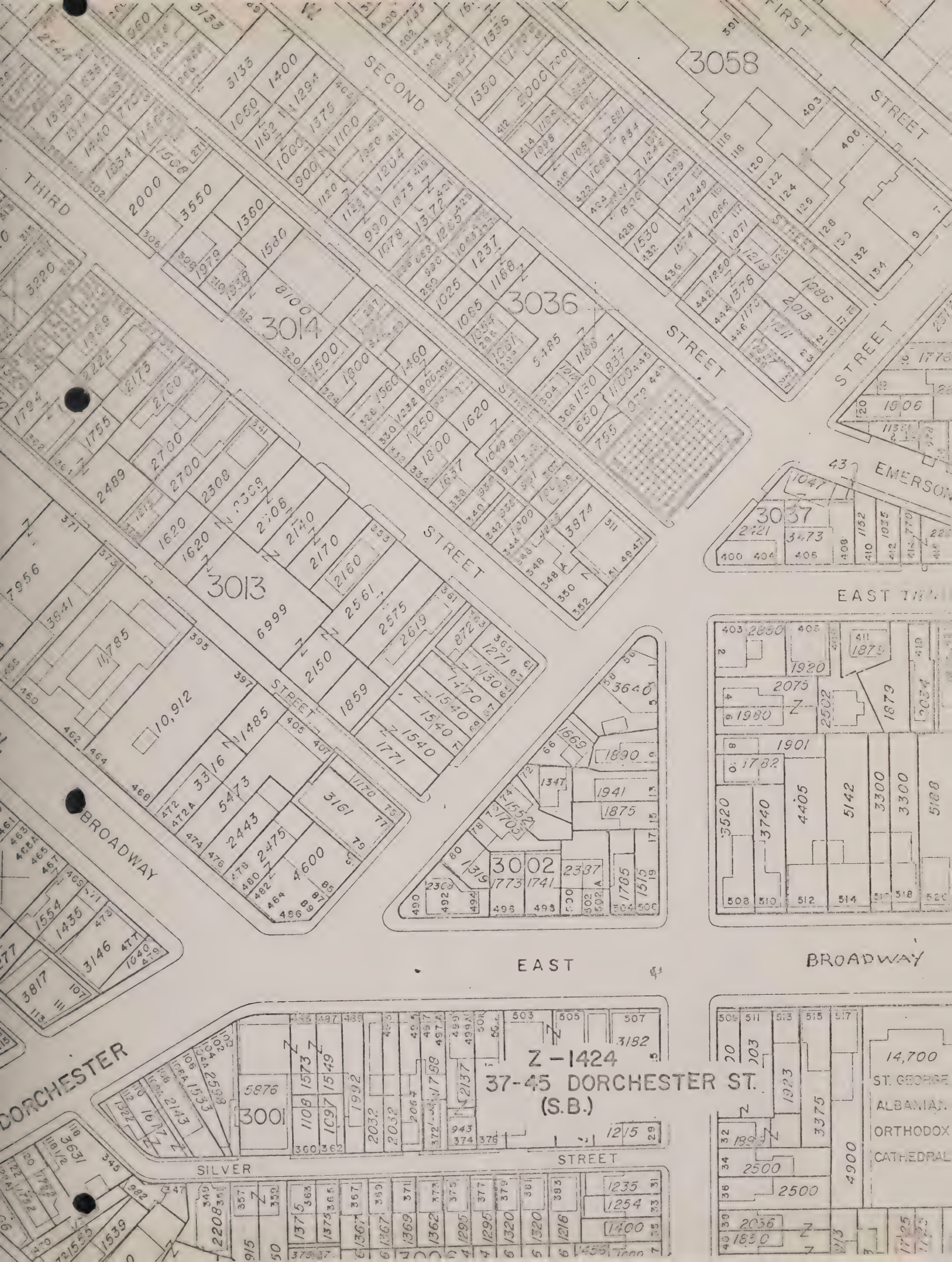
Petitioner seeks two Forbidden Use Permits for a change of occupancy from a garage and metal prefabricating to importing and storage for distribution of domestic and imported wines in a Local Business (L-1) district. The proposal would violate the code as follows:

Sect. 8-7 A distributing house is Forbidden in an L-1 district.

Sect. 8-7 Storage is Forbidden in an L-1 district.

The property, located on Dorchester Street at the intersection of Dorchester and West Second Streets, contains a vacant one story and basement brick structure. The proposed wine importing and distributing center proposal is reasonable and would be less hazardous than the former use. The proposal is consistent with other uses in this semi-industrial area and would restore an abandoned building to a productive capacity. Recommend approval.

VOTED: That in connection with Petition No. Z-1424, brought by Benjamin Ginsberg, 37-45 Dorchester Street, South Boston, for two Forbidden Use Permits for a change of occupancy from a garage and metal prefabricating to importing and storage for distribution of domestic and imported wines in a Local Business (L-1) district, the Boston Redevelopment Authority recommends approval. The proposal is reasonable and less hazardous than the former use and is consistent with other uses in this semi-industrial area.



Z-1424
37-45 DORCHESTER ST.
(S.B.)

DORCHESTER

14,700
ST. GEORGE
ALBANIAN
ORTHODOX
CATHEDRAL

Re: Petition No. Z-1425
Charles Talanian
39 Fairfield Street, Boston

Petitioner seeks two variances to erect a two story and basement side addition to an existing residence - (4 units), store and office structure in a General Business (B-4) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 18-1 Front yard is insufficient	15 ft.	0
Sect. 20-1 Rear yard is insufficient	10 ft.	0

The property, located on Fairfield Street at the intersection of Fairfield and Newbury Streets, contains a three story brick structure. The side yard is situated six feet below street level and is presently utilized for storage. The proposed extension would enclose the side yard and also provide additional residential and office space. The petitioner further proposes to rehabilitate the existing structure. The staff has no objection to the proposal provided the architectural design of the addition is in character with the abutting structures and the neighborhood as a whole. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1425, brought by Charles Talanian, 39 Fairfield Street, Boston, for variances of insufficient front and rear yards to erect a two story and basement side addition to an existing residence, store, and office structure in a General Business (B-4) district, the Boston Redevelopment Authority has no objection to the granting of the variances provided the architectural design of the addition is in character with the abutting structures and the neighborhood as a whole.

BOYLSTON

AVENUE

FAIRFIELD

STREET

STREET

STREET

Z-1425
39 FAIRFIELD ST.
(B. P.)

Re: Petition No. Z-1428
Maurice Gordon
62 Boylston Street, Boston

Petitioner seeks a variance for a change of occupancy from a hotel, stores, and restaurant to 268 apartments, stores, and restaurant in a General Business (B-10) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 17-1 Usable open space is insufficient	50 sf/du	0

The property, located on Boylston Street at the intersection of Boylston and Tremont Streets, is the former Hotel Touraine building. Approximately a year ago, through an oversight in the Building Department, the petitioner was granted a building permit to convert the hotel to 268 apartment units. The conversion has been completed. The error, however, was recently discovered by the Building Department Zoning Division and the petitioner was required to seek zoning relief to legalize an existing condition. The staff considers the apartment use appropriate and is of the opinion that proximity to the Boston Common minimizes the open space deficiency. Recommend approval.

VOTED: That in connection with Petition No. Z-1421, brought by Maurice Gordon, 62 Boylston Street, Boston, for a variance of insufficient open space for a change of occupancy from a hotel, stores and restaurant to 268 apartments, stores and restaurant in a General Business (B-10) district, the Boston Redevelopment Authority recommends approval. The petitioner is seeking to legalize an existing condition. The open space requirement is minimized by the proximity of the Boston Common. The apartment use is appropriate and would have a beneficial effect on the general character of the area.

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GARY THEATRE

SAXON THEATRE

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STUART

[illegible]

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STATE ST.

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GRAND LODGE OF MASONS

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A hand-drawn map of a city block in Boston, showing streets, buildings, and parking areas. The map includes labels for "HOTEL COURAGE", "BOSTON Y.M.C.U.", "1060", "19,199", "7576 PARKING AREA", "PUBLIX", and "LA GRANGE". It also shows street names "BOSTON STREET", "TANWORTH STREET", and "LOWELL CT". A grid of numbers is visible on the left side, and a scale bar is at the bottom.

[illegible]

